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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,536	03/19/2001	Vladimir Matena	SUNMP002A	2568

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EXAMINER

DELGADO, MICHAEL A

ART UNIT PAPER NUMBER

2144

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/812,536	<b>Applicant(s)</b> MATENA ET AL.	
	<b>Examiner</b> Michael S. A. Delgado	<b>Art Unit</b> 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2005 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-13 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,167,427 by Rabinovich et al in view of US Patent Application No.2002/0078213 by Chang et al.

In claim 1, Rabinovich teaches about a system for providing application-specific strategies to a platform, comprising (Abstract):

a runtime subsystem "subordinate of R" (Col 9, lines 5-20) ; and

an application having a control module "Replication service" in communication with the runtime subsystem, the application further including a plurality of service modules "objects" in

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communication with the control module, wherein the control module includes application-specific policies “load distribution policy” for the application (Col 9, lines 5-20) (Col 6, lines 15-50);

but does not explicitly teach about the application being implemented within an object oriented JAVA base environment.

Rabinovich teaches about managing network resource in order that clients can be better served in highly loaded server applications (Abstract). In Chang, the advantage of using an object oriented JAVA base environment is disclosed (Paragraph 52, lines 1-13). The limitation as to the underlying JAVA platform being unaltered by the JAVA code is inherent with the method, which is evident by the method being able to support independent platform and protocols (Paragraph 19, lines 1-12). With Chang’s invention, future changes in network resource can be easily accommodated, as the code is protocol independent and network-route unaware. To support protocol independence, the object (JAVA) code has to accommodate for the changes in all the different protocols without altering the protocols.

It would have been obvious at the time of the invention for some of ordinary skill to improve on Rabinovich’s invention by using the object oriented JAVA approach of Chang’s invention in order to more readily accommodate the monitoring of future network resources with the least amount of impact.

In claim 3, Rabinovich combined with Chang, teaches about a system as recited in claim 1, wherein the application-specific policies include application-specific start policies (Rabinovich Col 12, lines 15-30).

In claim 4, Rabinovich combined with Chang, teaches about a system as recited in claim 3, wherein the application-specific policies include application-specific stop policies (Rabinovich Col 12, lines 15-30).

In claim 5, Rabinovich combined with Chang, teaches about a system as recited in claim 4, wherein the control module manages the service modules (Rabinovich Col 6, lines 15-20).

In claim 6, Rabinovich combined with Chang, teaches about a system as recited in claim 1, wherein the control module is capable of starting a child application (load distribution process within subordinates) (Rabinovich Col 7, lines 60-67).

In claim 7, Rabinovich combined with Chang, teaches about a system as recited in claim 6, wherein the control module starts the child application by starting a child control module, the child control module being part of the child application (load distribution process within subordinates) (Rabinovich Col 7, lines 60-67).

In claim 8, Rabinovich combined with Chang, teaches about a method for starting an application having application-specific strategies in a JAVA environment, comprising the operations of (Abstract):

providing a parent control module having application-specific policies in a JAVA code form, for a parent JAVA application, and the application specific policies are provided to an underlying JAVA platform with altering the JAVA platform (Rabinovich Col 9, lines 5-20) (Rabinovich Col 6, lines 15-50) (Covered in claim 1);

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generating a child control module using the parent control module, the child control module being part of a child application (Rabinovich Col 6, lines 55-67) (Rabinovich Col 7, lines 60-67); and

executing the child application using the child control module (Rabinovich Col 9, lines 15-20).

In claim 9, Rabinovich combined with Chang, teaches about a method as recited in claim 8, further comprising the operation of sending a request from the parent control module to a runtime executive subsystem, the request including a message to start the child application (Rabinovich Col 9, lines 5-15).

In claim 10, Rabinovich combined with Chang, teaches about a method as recited in claim 8, further comprising the operation of starting a plurality of service modules using the child control module, the plurality of service modules being part of the child application (load distribution process within subordinates) (Rabinovich Col 7, lines 60-67).

In claim 11, Rabinovich combined with Chang, teaches about a method as recited in claim 10, further comprising the operation of sending a request from the child control module to the runtime executive subsystem, the request including a message to start a service module (Rabinovich Col 9, lines 5-15).

In claim 12, Rabinovich combined with Chang, teaches about a method as recited in claim 11, wherein each service module is executed using a server subsystem (Rabinovich Col 9, lines 5-15).

In claim 13, Rabinovich combined with Chang, teaches about a method as recited in claim 12, wherein the child control module includes the application-specific policies of the parent control module (Rabinovich Col 9, lines 5-15).

In claim 15, Rabinovich combined with Chang, teaches about a method for stopping an application having application-specific strategies in a JAVA environment, comprising the operations of (Rabinovich Col 12, lines 15-30).

providing a parent control module having application-specific policies for a parent JAVA application, in a JAVA code form, and the application specific policies are provided to an underlying JAVA platform with altering the JAVA platform (Rabinovich Col 9, lines 5-20) (Rabinovich Col 6, lines 15-50) (Covered in claim 1);

stopping execution of a child control module using the parent control module, the child control module being part of a child application (Rabinovich Col 12, lines 15-30); and (By migrating the parent control to another server, the child application and child control will have to be stopped and moved to the new location of the parent).

stopping execution of the child application using the child control module (Rabinovich Col 12, lines 15-30). (This is a part of the migration process)

In claim 16, Rabinovich combined with Chang, teaches about a method as recited in claim 15, further comprising the operation of sending a request from the parent control module to a runtime executive subsystem, the request including a message to stop the child application (Rabinovich Col 9, lines 5-15).

In claim 17, Rabinovich combined with Chang, teaches about a method as recited in claim 16, further comprising the operation of stopping a plurality of service modules using the child control module, the plurality of service modules being part of the child application (Rabinovich Col 9, lines 5-15) (Rabinovich Col 12, lines 15-30).

In claim 18, Rabinovich combined with Chang, teaches about a method as recited in claim 17, further comprising the operation of sending a request from the child control module to the runtime executive subsystem, the request including a message to stop a service module (Rabinovich Col 9, lines 5-15) (Rabinovich Col 12, lines 15-30).

In claim 19, Rabinovich combined with Chang, teaches about a method as recited in claim 15, wherein the child control module includes the application-specific policies of the parent control module (Rabinovich Col 9, lines 5-15) (Rabinovich Col 12, lines 15-30).

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent no. 6,463,454 by Rabinovich et al. teaches about a system and method for integrated load distribution and resource management on internet environment



US patent no. 6,393,459 by Lurndal. teaches about a process migration method for multicomputer system, involves issuing request for migration of processes from source site to destruction site and creating copy of process operative on destination site.

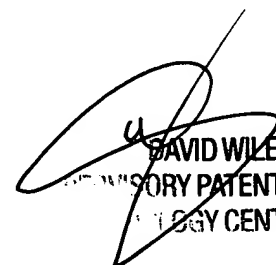
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is (571) 272-3926. The examiner can normally be reached on 7.30 AM - 5.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923

. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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